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PATENT
Attorney Docket No. 501295

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dawn Marie Schwarzkopf
Application No: 09/920,676
Filed: August 2, 2001

Group Art Unit: 3712
Examiner: Dmitry Suhol

For: Teaching Apparatus And Method Of Enabling
Use Of Keyboard By Young Children

DECLARATION UNDER 37 CFR §1.131

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1. I am the sole inventor of the above-identified application, and have been a first grade teacher for the past thirteen years. I am currently employed as a first grade teacher at the Taylor Park Elementary School in Freeport School District 145.

2. I have reviewed the Official Action mailed February 5, 2002, wherein the Examiner relies upon an advertisement on page 26 of the Educational Resources Fall 2000 catalog for a Reading Readiness Keyboard Cover, singly and in combination, to reject the claims of this application. While the Educational Resources Fall 2000 catalog does not include a date of publication, I understand that my attorney has contacted Ms. Sharon Segall, Marketing Director of Educational Resources in an attempt to establish such date of publication. I have been advised that the date that a publication or catalog becomes available as prior art is that of its receipt by a member of the public, not the date it was mailed, as specified in the Manual of Patent Examining Procedure §2128.02 (*In re Schlittler* 234 F2d. 882, 110 USPQ 304 (CCPA 1956)). However, I have also been advised that the only information that Ms. Segall of Educational Resources could provide is the date of mailing of the Fall 2000 catalog on August 19, 2000. Recognizing that the Educational Resources Fall 2000 catalog could not be received by a member of the public until after it has been mailed, I nonetheless make this Declaration under 37 C.F.R. 1.131 to swear behind this date of mailing and to establish my diligence from a time just prior to this date of mailing until the filing of my provisional application on April 3, 2001.

3. During the last several years beginning at a time prior to August 19, 2000, I have been very frustrated when I put some of my struggling learners on the computer. I have six networked computers in my classroom that we use for a large portion of the day during center times. I have become very frustrated because many of the children could not even log in their name because they do not know the correct corresponding capital letter, which are the only glyphs appearing on the computer keyboard. It is this frustration and desire to help my students learn that inspired my invention. That

is, at a time prior to August 19, 2000, I realized that there was a need for a computer keyboard overlay that would allow the students to see both the upper and lower case letters.

4. On a date prior to August 19, 2000, I contacted Mr. Randall Pottorff of the Technology Department, explained the problem with the current design of the computer keyboards, and described my idea for a solution for this problem. I then asked Mr. Pottorff to conduct some research to determine if any such product was available on the market that I could simply purchase for use in my classroom. Unfortunately, Mr. Pottorff informed me that his research was only able to find standard keyboard covers that offer protection from dust and spills. On a second occasion, also prior to August 19, 2000, I again approached Mr. Pottorff and asked that he conduct additional research in an attempt to find a keyboard cover as I had described. On a third occasion prior to August 19, 2000, I again approached Mr. Pottorff to ask for his aid in locating a keyboard cover as I had described. However, Mr. Pottorff was unable to locate any such keyboard cover.

5. Prior to August 19, 2000, I also described my frustration with the current keyboard layout and my idea for a keyboard cover which would allow the students to see both the upper and lower case letters to my principal at Taylor Park Elementary School, Ms. Char Kreuder. Knowing that Ms. Kreuder attends numerous conferences relating to educational methods and resources, I asked her if she would look for such a keyboard cover while attending the various conferences that she attends. Unfortunately, Ms. Kreuder informed me that no such keyboard cover could be found at any of the conferences she attended prior to August 19, 2000.

6. Beginning at a time prior to August 19, 2000, and continuing to at least the filing date of my provisional application, I also conducted my own research in an attempt to find a keyboard overlay in accordance with my invention. I reviewed various catalogs and magazines, performed searches on the Internet, and visited various computer and office supply stores in search of such a product. These searches also did not yield anything that would satisfy the needs of my young students.

7. As the 2000-2001 school year began on August 23, 2000, I was again frustrated by our computer equipment as, once again, many of my young students were unable to find the correct keys because only the upper case letters were displayed. I again contacted Mr. Pottorff of the Technology Department to ask if he had become aware of any computer keyboard overlays that would allow the students to see both the upper and lower case letters as I had described to him previously. Unfortunately, he had not become aware of any such product. I also continued my research to no avail.

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8. I also became aware that my principal, Ms. Char Kreuder, would be attending the Effective Schools Conference in February 2001. I again asked that she look at this conference to see if she could find any keyboard overlays as I had described to her previously. Upon her return, she indicated that she was unable to find any such keyboard covers.

9. I decided to attend the SDE First Grade Conference in Arlington Heights on March 22, 23 of 2001. I was particularly looking forward to attending this conference because the speaker, Jim Moulton is an educational technology consultant who travels the country to speak at such conventions. I applied to the district to attend the conference on February 14, 2001.

10. During a break between sessions at the conference in March I spoke with Mr. Moulton privately about my invention. I explained to him the problem and my proposed solution. Mr. Moulton indicated that he had never seen any such keyboard cover, but thought that it was a great idea.

11. Based on Mr. Moulton's encouragement I visited the USPTO website many times to research the patent process. I also purchased materials and constructed two prototypes of my invention, including a keyboard overlay which allows the students to see both the upper and lower case letters for each of the keys on a keyboard. Once these prototypes were complete, I then sat down to draft a provisional patent application, which I mailed on March 29, 2001, and which was assigned a filing date of April 3, 2001, and Serial No. 60/280,942.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the Untied States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

BEST AVAILABLE COPY *Dawn M. Schwarzkopf*
Dawn Marie Schwarzkopf

Dated: 4/12/02